

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION**

Personal Audio, LLC,	)	
	)	
	)	
Plaintiff,	)	
	)	Case No. 1:11-cv-00432-RC
v.	)	
	)	<b>Jury Trial Demanded</b>
HTC Corp., et al.,	)	
	)	
Defendants.	)	
	)	

**Declaration of Daniel R. Burgess in Support of  
Personal Audio's Responsive Claim Construction Brief**

I, Daniel R. Burgess, declare and state as follows:

1. I am an attorney at law, duly licensed to practice before all courts in the State of Minnesota, and admitted to practice in the Eastern District of Texas. I am a member of the firm of Robins, Kaplan, Miller & Ciresi L.L.P., attorneys of record for Personal Audio, LLC. If called as a witness I could competently testify to the following based upon my own personal knowledge.

2. Attached as Exhibit A is a true and correct copy of excerpts from this Court's Order Construing Claim Terms of United States Patent Nos. 6,199,076 and 7,509,178 (D.I. 258) from *Personal Audio, LLC v. Apple Inc., et al.*, Case No. 9:09-cv-111 (E.D. Tex. Dec. 21, 2010).

3. Attached as Exhibit B is a true and correct copy of excerpts from this Court's Order Denying Defendant's Motion for Summary Judgment of Indefiniteness (D.I. 292) from *Personal Audio, LLC v. Apple Inc., et al.*, Case No. 9:09-cv-111 (E.D. Tex. Jan. 31, 2011) .

4. Attached as Exhibit C is a true and correct copy of excerpts from this Court's Order Granting in Part and Denying in Part Plaintiff's Motion for Reconsideration of Order Denying

Defendant's Motion for Reconsideration of Order Denying Motion for Summary Judgment of Indefiniteness (D.I. 358) from *Personal Audio, LLC v. Apple Inc., et al.*, Case No. 9:09-cv-111 (E.D. Tex.).

5. Attached as Exhibit D is a true and correct copy of excerpts from Volume 2 of the Reporter's Transcript of Jury Trial from *Personal Audio, LLC v. Apple Inc., et al.*, Case No. 9:09-cv-111 (E.D. Tex. June 24, 2011).

6. Attached as Exhibit E is a true and correct copy of Statement of Reasons for Patentability and/or Confirmation, filed August 27, 2012 in *In re Patent in Reexamination 6,199,076* (Control No. 90/011,579).

7. Attached as Exhibit F is a true and correct copy of excerpts from Office Action in *Inter Partes* Reexamination, filed April 16, 2010 in *In re Patent in Reexamination 7,509,178* (Control No. 95/001,295).

8. Attached as Exhibit G is a true and correct copy of excerpts from the transcript of the Deposition of Eugene Novacek, taken on April 1, 2011 in *Personal Audio, LLC v. Apple Inc., et al.*, Case No. 9:09-cv-111 (E.D. Tex.).

9. Attached as Exhibit H is a true and correct copy of excerpts from the DAD486x Digital Audio Delivery System Operations Manual, Version 6.0A.

10. Attached as Exhibit I is a true and correct copy of excerpts from Patent Owner's Response in *Inter Partes* Reexamination, filed July 16, 2010 in *In re Patent in Reexamination 7,509,178* (Control No. 95/001,295).

11. Attached as Exhibit J is a true and correct copy of excerpts from Plaintiff Personal Audio, LLC's Technology Synopsis (D.I. 191) from *Personal Audio, LLC v. Apple Inc., et al.*, Case No. 9:09-cv-111 (E.D. Tex.).

12. Attached as Exhibit K is a true and correct copy of excerpts from the Attachment to Plaintiff Personal Audio, LLC's Technology Synopsis (D.I. 193) from *Personal Audio, LLC v. Apple Inc., et al.*, Case No. 9:09-cv-111 (E.D. Tex.).

13. Attached as Exhibit L is a true and correct copy of excerpts from Volume 6 of the Reporter's Transcript of Jury Trial from *Personal Audio, LLC v. Apple Inc., et al.*, Case No. 9:09-cv-111 (E.D. Tex. June 30, 2011).

14. Attached as Exhibit M is a true and correct copy of demonstrative exhibit DDX-469 used by Apple in the jury trial from *Personal Audio, LLC v. Apple Inc., et al.*, Case No. 9:09-cv-111 (E.D. Tex.).

15. Attached as Exhibit N is a true and correct copy of excerpts from Personal Audio, LLC's Reply Claim Construction Brief (D.I. 184) from *Personal Audio, LLC v. Apple Inc., et al.*, Case No. 9:09-cv-111 (E.D. Tex.).

16. Attached as Exhibit O is a true and correct copy of excerpts from *Barron's Dictionary of Computer and Internet Terms* (5th ed. 1996).

Executed this 27th day of September, 2012, in Minneapolis, Minnesota

By: /s/ Daniel R. Burgess  
Declarant